

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION

JOSHUA JACKSON RIDEOUT,	)	
	)	
Plaintiff,	)	
	)	No. 1:09-CV-00082 LMB
vs.	)	
	)	
ERIC HOLDER, et al.	)	
	)	
Defendants.	)	

**MEMORANDUM IN SUPPORT OF**  
**DEFENDANT DANIEL ISOM'S MOTION TO DISMISS**

COMES NOW Assistant City Counselor Christine L. Hodzic on behalf of defendant Daniel Isom and submits the following memorandum in support of his Motion to Dismiss for failure to state a claim under Rule 12(b)(6) and 41(b) of the Federal Rules of Civil Procedure.

Defendant Isom adopts and incorporates by reference as if fully set forth and restated herein the memoranda in support of the motions to dismiss filed by Defendants Reap on August 11, 2009 (Document 31), Rowe on August 19, 2009 (Document 32), and Burton on August 21, 2009 (Document 40). Furthermore, the plaintiff's complaint fails to state a claim against defendant Isom.

In a § 1983 case, the plaintiff's complaint must allege how the plaintiff's rights are violated by the defendant. *Ledbetter v. City of Topeka, Kan.* 318 F.3d 1183, 1188 (10<sup>th</sup> Cir. 2003).

Missouri law requires applicable sexual offenders to register with the chief law enforcement official of the county or city not within a county in which such person resides. § 589.400.2 R.S.Mo. Specifically, "(a)ny nonresident worker or nonresident student shall

register for the duration of such person's employment or attendance at any school of higher education..." § 589.400.10 R.S.Mo.

SORNA requires a sex offender to register in each jurisdiction where the offender "offender resides, where the offender is an employee, and where the offender is a student." 42 U.S.C. § 16913. A student is defined as "an individual who enrolls in or attends an educational institution, including (whether public or private) a secondary school, trade or professional school, and institution of higher education." 42 U.S.C. § 16911(11).

Plaintiff resides in Naylor, Missouri, which is located in Ripley County. (Complaint, ¶¶3, 105). Plaintiff intends to gain employment in the neighboring county. (Complaint, ¶3).

Defendant Isom requests that this Court take judicial notice of the fact that the City of St. Louis is not a neighboring county of Ripley County, Missouri. Plaintiff does not allege that he is a resident of the City of St. Louis, employed in the City of St. Louis, or that he attends a higher educational institution in the City of St. Louis.

It appears that Rideout's sole basis for naming Daniel Isom as a defendant is because he "expects to attend periodic business related conferences, meetings, seminars, training, and certification procedures in...Saint Louis..." (Petition, ¶3). Defendant can only surmise that Plaintiff might, at some unknown point in the future, for an unknown temporary period of time, visit the St. Louis metropolitan region. Defendant does not make any allegations whatsoever that the possibility of his future visit to the St. Louis area would require him to register as a sex offender in the City of St. Louis under either Missouri laws or SORNA.

For the foregoing reasons, Plaintiff has failed to state a claim upon which relief can be granted. Plaintiff's Complaint should be dismissed in its entirety. In the alternative, Defendant Isom should be dismissed from this action with prejudice.

Respectfully submitted,

PATRICIA A. HAGEMAN  
CITY COUNSELOR

/s/ Christine L. Hodzic  
Christine L. Hodzic #541006  
Assistant City Counselor  
Attorney for Defendant City of St. Louis  
Room 314, City Hall  
St. Louis, MO 63103  
314-622-3361/314-622-4956 (fax)  
HodzicC@stlouiscity.com

Certificate of Service

The undersigned certifies that a true and accurate copy of the foregoing document was served by operation of the Court's electronic filing system, this 21st day of August, 2009, upon:

Daniel R. Wichmer, Attorney for Lynn Rowe  
Springfield, Chief of Police  
dwichmer@springfieldmo.gov

Thomas C. Albus  
Attorney for Defendants Michael W. Reap and Holder  
tom.albus@usdoj.gov

Christopher Quinn  
Attorney for Defendant Chris Koster  
Quinn@ago.mo.gov

John W. Housley  
Attorney for Defendant Jim C. Arnott  
jhousley@lowtherjohnson.com

Robert J. Krehbiel  
Attorney for Defendant Kenneth M. Burton  
rkrehbiel@kkhbb.com

A true and correct copy of the foregoing was provided by depositing same, postage pre-paid with the United States Postal Service to Plaintiff Joshua J. Rideout, Reg. No. 32554-044, Federal Correctional Institution, PO Box 9000, Seagoville, TX 75157-9000

/s/ Christine L. Hodzic